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ASEXUALIZATION,
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PENALTY FOR CRIME AND REFORMATION
OF CRIMINALS.

A PAPER READ BEFORE THE CINCINNATI ACADEMY OF
MEDICINE, FEBRUARY 27, 1888.

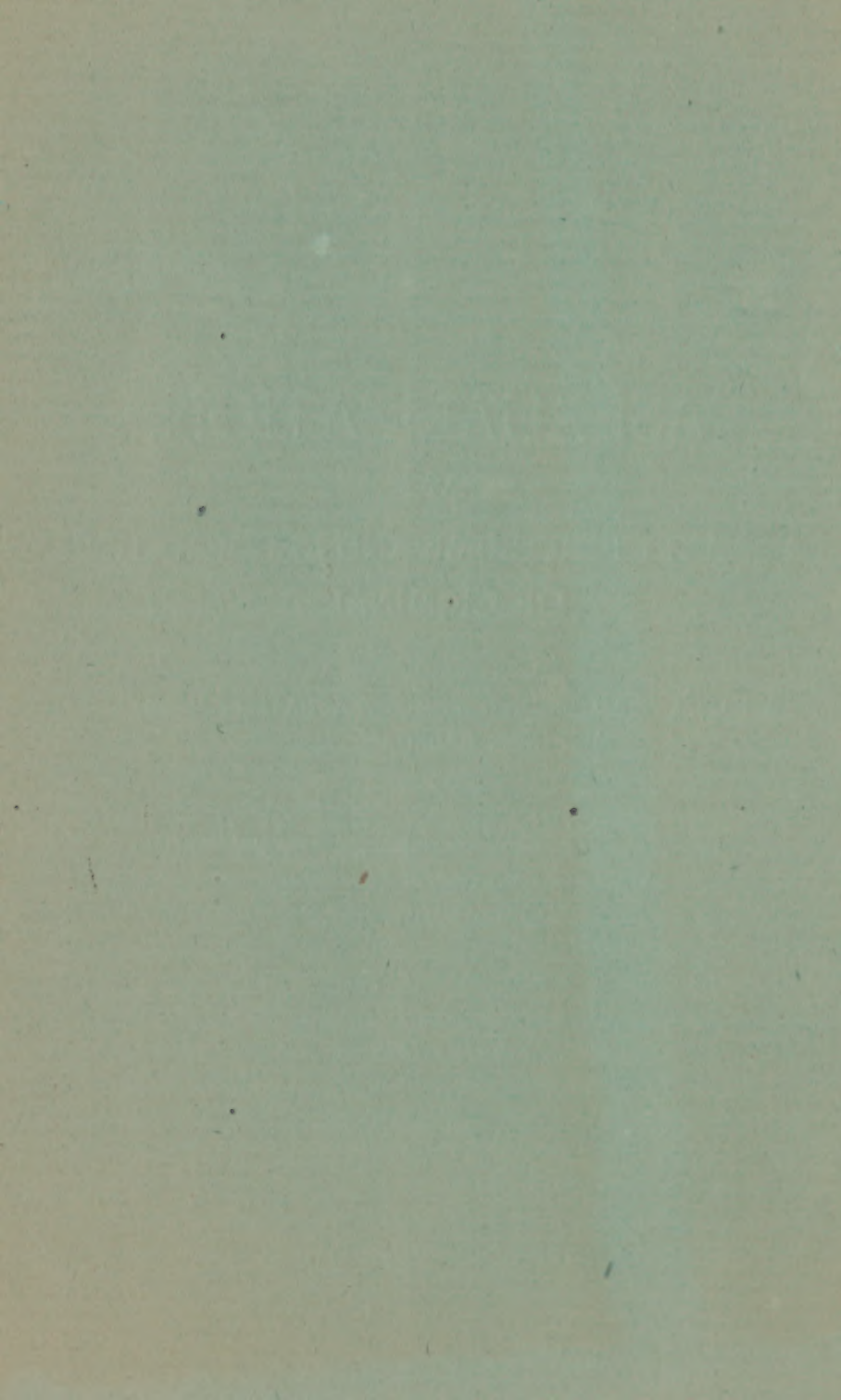
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ASEXUALIZATION.

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A medical correspondent of the LANCET-CLINIC, October 15th, 1887, referring to a suggestion by Dr. Agnew that emasculation as a penalty for the crime of rape would be followed, if inflicted legally, by satisfactory results, approves the suggestion, as if this penalty were novel and untried; and asks if the subject cannot be brought before the Academy of Medicine for discussion, with a view to influencing legislation for its adoption.

Having given the subject of emasculation a good deal of attention in the course of twenty years' constant association with, and study of, one of the several defective classes of society—not, it is true, as a contemplated penalty for the crime of rape, but as a possibly important factor in the great social problem of lessening the burden of society by bettering the condition and lessening the numbers of the defective classes,—I beg leave to submit for the consideration of this learned body a proposition imperfectly embodying conclusions arrived at, and to offer in support a brief and desultory commentary.

The proposition may be formulated thus :

Surgical asexualization of all criminals convicted of offenses that, circumstantially considered, indicate constitutional depravities that are recognized as transmissible by heredity, is not only practicable, but expedient, for the protection of society against the ever-impending danger of invasion by the "savages of civilization," known as the vicious, criminal, or defective classes.—and would, properly enforced by law, eventuate in an effectual diminution of crime and reformation of criminals.

The scope of this proposition is much broader than that contemplated by Dr. Agnew and the LANCET-CLINIC's correspondent, and is based upon considerations much more complex and comprehensive than a species of revenge naturally suggested to persons whose civilization is but a veneering, for all offenses against the written and unwritten laws of society regulating commerce of the sexes, and often practiced by outraged, or enraged, avengers of hymenial infidelity or family dishonor; as, for example, by the relatives of the noble but unfortunate Heloise upon her priestly lover and seducer, Abelard, whose name, inseparable from hers, has filled for centuries so large a page in the history of true lovers' constancy and martyrdom.

In order to comprehend more fully the purport of the proposition submitted, it may be well to consider carefully the following facts, viz.:

(a)—Among all undeveloped peoples punishment for offenses, criminal or otherwise, is retaliatory, vindictive and cruel; the primary purpose being to gratify revengeful feelings by the infliction of pain upon the offender; and, secondarily, to terrify others by the exhibition of cruelty and power. Further on in the history of human progress ideas of compensatory justice appears, and an eye for an eye and a tooth for a tooth is demanded; or certain equivalents, not in kind, are made acceptable, as punitive, for misdemeanors affecting rights of property, etc., etc., or for minor offenses affecting the rights of persons.

(b)—But, step by step with the evolution of morals, characteristic of, and inevitably concomitant with, higher reaches of human development, especially appreciable within the last two or three centuries, the disposition to punish criminals by way of retaliation—blood for blood, blow for blow, and burning for burning—has been undergoing well-marked modification. The tendency has been, and is, in all civilized States called Christian,—not toleration of crime or forgiveness of criminals, but a more charitable, because a more intelligent, consideration of the relation of criminal conduct to antecedent and concomitant conditions affecting the lives and characters of the guilty, and a recognition of duties imposed upon society, growing out of such relations.

We have reached a plane of perceptions, indeed, in this country, where such considerations and recognitions have displaced, to a great extent, ancient ideas of retaliatory and compensatory justice, and the nature of the responsibility of individuals growing out of their relation to society.

The question with us in considering any new proposition respecting criminal jurisprudence now is—not what kind or degree of torture inflictible upon the guilty will satisfy the indignation or appease the anger of offended innocence, or intimidate most effectually the evil-minded and criminally-disposed, but what kind of treatment shall criminals receive at the hands of society, consistent with its self-protection, most likely to eventuate in a general betterment of their conditions, and consequent improvement of their dispositions? In other words, by what method of punishment, the most kindly and considerate, can society be most effectually protected from injury and apprehension; crime most effectually diminished and prevented, and criminals most effectually reformed?

In proposing asexualization as a penalty for crime the foregoing question has not been overlooked nor evaded. Hence, the use of the term “asexualization” as implying its applicability to both sexes, instead of “emasculatation,” as applicable to men only. Hence, also, the extension of its applicability to an entire class of offenders, however variable their crimes, instead of its limitation to such only as do violence to the laws governing the commerce of the sexes.

Would a penal enactment embodying the proposition under consideration answer the demands of civilized society as above indicated? If so, it should be unhesitatingly adopted; if not, it should be as unhesitatingly rejected. It is my present belief that it would—that, in accordance with physiological and psychological facts and principles, such consequences would follow the intelligent enforcement of this proposed method of treating criminals, as would, after a time, fully vindicate the wisdom of its adoption.

In support of this affirmation the following considerations are respectfully submitted, viz.:

(a)—The conduct, speech and action of all human beings are expressive of the organic instincts, capabilities and appetencies, in-

dicative of the necessities or desires of such beings.

(b)—The organic instincts, capabilities and appetencies of all living beings, indicative of their necessities and desires, manifested by their conduct, speech and action, may be classed under one or the other of two heads; as pertaining to either the "love of life," or the "love of sex," the end of one being preservation of self; the end of the other being reproduction of self, the end of both being perpetuation of the race.

(c)—Man is not an exceptional being as to his becoming, subsisting, reproducing, or disappearing, individually or as a race; differing only structurally and functionally from other living beings of the order to which, zoologically considered, he belongs, to the extent of certain modifications of organs and functions common to the order, affected by disuse or increased activity in adapting themselves to new uses, under the pressure of ever-increasing capabilities and necessities, aided by the fixing quality of heredity. Therefore, all human conduct, however exalted or debased, whether in pursuit of gain or glory—power on earth or heavenly approbation—or the gratification of grosser and more groveling appetites of the primary senses, may be referred to one or the other of these organic loves—the love of life or the love of sex.

(d)—The love of life precedes, outlasts, and is stronger than the love of sex. Beginning with the specialization of matter as a living being, it continues and increases through all the stages of growth—diminishing with retrogressive motion, to disappear only with the final dissolution of the individual.

The love of sex develops with the development of sexual capabilities—appearing comparatively later in the growth of the more highly organized and intellectually capable beings—growing stronger with the natural growth and exercise of functional capabilities, to culminate and diminish, leaving but a memory, long before the limit of individual expectation of life has been reached.

(e)—By far the greater exhibition of vicious conduct, including crimes characteristic of the defective criminal classes of society, pertains to that period of individual human existence remarkable for the activity, strength, and domination of the love of sex, and is intimately

related thereto, as well as associated therewith. Witness, for example, the daily chronicle of crime—of homicide, suicide, defalcation, embezzlement, etc., ascribed directly to sexual influence, or motives associated with sexual love! Witness, also, the vices of intemperance, so often associated with, and instigated by, sexual excesses or unsatisfied sexual desires! of prostitution, maintained by lust! of gambling with delusive hope of gain to satisfy immediate wants growing out of the requirements of sexual relations, etc.; and the nameless disorderly sensations, emotional and imaginative, leading or driving multitudes crimewards, that originate in sexual disturbance, whether of deprivation or excess.

(*f*)—The physical or structural, and consequently psychical characteristics of the defective classes of society, manifested by well-marked proclivities to mental disorder, vice or crime, developed under circumstances, often, to be regarded as unfavorable for such manifestations, are reproducible and being constantly reproduced, perpetuated, and multiplied with a tendency to exaggeration, by intermarriage of persons of like defects, according to the recognized laws, or uniformity of results of the activities of living matter, called heredity.

(*g*)—Society can protect itself from the danger threatened by the criminal classes either by destroying their capabilities to inflict injury upon others, or by changing their desires, and consequently their purposes, by which their actions are instigated and controlled.

(*h*)—The deprivation of animals, including man, of reproductive capabilities effects well-marked modifications of characteristics, or change of desires, purposes and actions, as an inevitable sequence of changed conditions, capabilities, appetencies, and necessities, of the altered being,—without destroying capabilities and consequent desires for the maintenance of individual existence, hence, for practical usefulness. Such modifications, if begun early in life, are invariably manifested by gentler and more dispassionate manners, freedom from sudden and violent emotional disturbances, and less self-assertiveness and obstinacy of disposition.

(*i*)—One of nature's methods of improving species or varieties of living beings is by selection through sexual love of the most lovable, for

purposes of reproduction; the most lovable being always the strongest, most capable, and most beautiful—and the assertion of strength or capability in the struggle for existence, in which the fittest, most capable, survive; and the unfit, deficient, perish.

If these affirmations are all true, as I believe them to be, then certainly no other method could be devised for the suppression of crime, and the reformation or improvement of criminal and defective classes of society than this proposed—the asexualization of all convicts whose crimes, circumstantially considered, indicate constitutional depravity transmissible by descent from parents to offspring—together with such legal restraint as may be found necessary to complete its efficiency.

Let us examine the promising features a little more closely and in detail.

For purposes of intimidation it presents features second only in degree of repulsiveness and terrifying power to the death-penalty itself. Multitudes of men derive nearly all conscious pleasure from the indulgence of sexual appetite, and hence regard such indulgence as the chief end of being, or value of existence. The loss of sexual capability as a token of manhood, as well as a source of exquisite enjoyment, would be contemplated with abhorrence and avoided if possible by all sane men.

For purposes of reformation it presents features more promising than any other known method, because it is in accordance with the great facts recognized by science, that all feelings, desires, purposes, and consequently all conduct, is definitely related to antecedent conditions of living mechanisms, and may be permanently modified by permanent modifications of such mechanisms or organs. Other methods, “moral instruction” of convicts in prison, etc., are too slow and uncertain for practical purposes.

But the most important of all the features of this proposition to asexualize all constitutionally depraved convicts is that which promises to surely, however slowly, diminish the number of the defective classes of society by limiting, to the extent of its application, the reproductive capability of such classes. For this purpose it has no practicable competitor. It is in the line of Nature’s suggestion, aiding “natural

selection" by destroying the procreative capabilities of the "unfit" instead of, as we are now doing, carefully preserving them by public benefactions from their own tendencies to dissolution, and complaisantly permitting them to multiply and accumulate by unrestricted reproduction.

It may be asked, significantly I admit: Why not capital punishment, once for all, and have done with them?

Because, I answer, the death-penalty, however promptly and thoroughly efficacious as a means of contributing to a more certain and rapid disappearance of the unfit and survival of the fittest, goes beyond the necessities of the case or the requirements of Nature and destroys the man, while emasculation only "alters" him. Furthermore, whatever may have been the effect of the death-penalty in the progress of society from a savage state to its present civilization (and there can be no question of its great value in times past) it has been gradually forced by growing sentiments of disfavor into narrower ranges of usefulness, until now, instead of being extended to all manner of crimes and misdemeanors, from wilful murder to petty theft or trespass, it is limited in most States to two or three grand offenses, and by some States utterly abolished. It is, in fact, only when the subcuticular ancestral savagery of our natures is aroused by some extraordinarily atrocious crime, such as the assassination of Garfield or the murder of policemen in Chicago, that we hear a general clamor for the blood of the offender. And even in such instances public sentiment is by no means unanimous in favor of killing the convicted criminal.

It may be safely inferred, therefore, that the death-penalty will never be restored to favor sufficiently to obviate the necessity of more efficient measures than have as yet been adopted by civilized States for the reformation of convicts and the diminution of the defective classes of society.

Imprisonment alone for short terms at labor or in solitude, however cruelly or humanely practiced, with "moral instruction" or without, protects society but partially and for short intervals, and fails signally to reform the imprisoned or diminish the numbers of the classes to which they belong. Were each man or woman returned to

society from our penitentiaries deprived of reproductive capabilities how different would be the story. Public sentiment might not now sustain such an innovation. The public sentiment of the future is destined to be more and more informed by science, and will eventually adopt its suggestions in matters of state, craft and social economies, including criminal jurisprudence, as well as all other affairs of life.

This world with its inhabitants is gradually but surely moving into a new and more brilliant light, and freeing itself from the shadows of ancient errors and modern superstitions. Already the hill-tops of science are luminous, and men of intelligence and learning no longer dwell in an atmosphere of gloom peopled with imaginary beings, gods, and demons, and multitudinous ghostly survivals of ancestral chimeras, standing in the relation of invisible causes to all visible effects; but moving ever on and up toward the greater light, realize the fact that with every step taken vision becomes clearer and more comprehensive, and that positions may be occupied to-day with safety that but yesterday seemed to be dangerous, if not inaccessible.

NOTE—This paper was published in *The Cincinnati Lancet-Clinic*, March 31st, 1888. Since a more recent discussion of the subject by the Distinguished Surgeon-General of the U. S. A. (retired), I have had so many applications for copies of the paper, that I have thought proper to reprint it for more general distribution. E.

